

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-00188-04-CR-NKL
)	
ADRIAN L. DUNN,)	
)	
Defendant.)	
)	
)	

ORDER

After conducting an independent review of the record and applicable law and considering the objections, the Court adopts the reports and recommendations of U.S. Magistrate Judge Sarah W. Hays [Docs. ## 453, 460]. For the reasons laid out clearly in Judge Hays's reports and recommendations, Defendant Adrian Dunn's Motion to Suppress Evidence Recovered from 8717 Kentucky Avenue [Doc. # 381], Motion to Suppress Wire Intercept Evidence [Doc. # 370], and Motion to Suppress All Evidence Not Disclosed On or Before July 6, 2009 [Doc. # 379] must all be denied. Defendant Dunn's objections have failed to call into question any material issue of law or fact in Judge Hays's analysis.

With respect to the Motion to Suppress Evidence Recovered from 8717 Kentucky Avenue, the Court finds: (a) it was reasonable for the officers to attempt to serve the arrest warrants for Defendants Dunn and Cheo Miles at 8717 Kentucky Avenue, (b) the officers properly maintained a presence at 8717 Kentucky Avenue while obtaining a search warrant,

(c) the typographical error in the affidavit did not invalidate the search warrant, and (d) the search of the garage and vehicle was proper. *See United States v. Bulgatz*, 693 F.2d 728, 730 n.3 (8th Cir. 1982).

With respect to the Motion to Suppress Wire Intercept Evidence, the Court finds that the issue of who is speaking on the wire is for a jury, and even assuming *arguendo* that the Government had not satisfied the notice requirement of 18 U.S.C. § 2518(8)(d), Defendant's motion would still fail under *United States v. Davis*, 882 F.2d 1334, 1344 (8th Cir. 1989), and *United States v. Wolk*, 466 F.2d 1143, 1145-46 (8th Cir. 1972).

Finally, with respect to the Motion to Suppress All Evidence Not Disclosed On or Before July 6, 2009, the Court has been presented with no evidence which would confirm Defendant Dunn's "belie[f]" that the government failed to provide his attorney with discovery before Monday, July 6, 2009. [Doc. # 473 at 6.]

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: February 13, 2011
Jefferson City, Missouri